

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 8, 2002

IN RE:

**APPROVAL OF THE
INTERCONNECTION AGREEMENT,
TOGETHER WITH THE AMENDMENTS,
NEGOTIATED BY BELL SOUTH
TELECOMMUNICATIONS, INC. AND
NOW COMMUNICATIONS, INC.
PURSUANT TO SECTIONS 251 AND 252
OF THE TELECOMMUNICATIONS ACT
OF 1996**

DOCKET NO. 02-00114

**ORDER APPROVING INTERCONNECTION AGREEMENT
AND AMENDMENTS THERETO**

The Interconnection Agreement and Amendments thereto between BellSouth Telecommunications, Inc. and NOW Communications, Inc. came before the Tennessee Regulatory Authority (the "Authority") at the March 12, 2002 Authority Conference. The Agreement and Amendments were filed on February 4, 2002, and came before the Authority pursuant to 47 U.S.C. § 252.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and Amendments and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The Agreement and Amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The Agreement and Amendments are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement and Amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.²

5) No person or entity has sought to intervene in this docket.

6) The Agreement and Amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

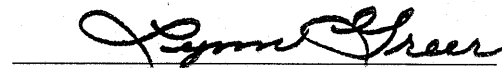
¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

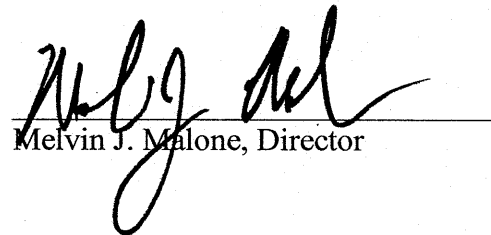
² The Authority has issued a request to BellSouth Telecommunications, Inc. requesting that it provide to the Authority a detailed filing explaining any provisions of the interconnection agreement that differ from previous Authority decisions. BellSouth Telecommunications, Inc. has not responded to this request.

IT IS THEREFORE ORDERED THAT:

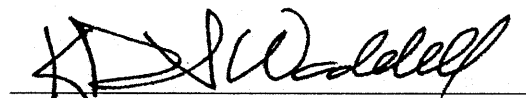
The Interconnection Agreement and Amendments thereto negotiated by and between BellSouth Telecommunications, Inc. and NOW Communications, Inc. are approved and are subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary